

REMARKS

This Amendment is responsive to the Office Action dated February 5, 2007.

Claims 1-20 were pending in the application but claims 1-13 were withdrawn from consideration. In the Office Action, claims 14-20 were rejected. In this Amendment, claim 14 was amended. Claims 14-20 thus remain for consideration.

Applicant submits that claims 14-20 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§ 103 Rejections

Claims 14-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bonutti (USPN 5,716,325) in view of Banik (USPN 5,256,149).

Applicant submits that the independent claim (Claim 14) is patentable over Bonutti and Banik, either taken alone or in combination.

Applicant's invention as recited in independent claim 14 is directed toward a method of using a clear view cannula in arthroscopic surgery. For example, independent claim 14 specifies that the method comprises the steps of: a. providing a clear view cannula, b. making an arthroscopic penetration of a body wall of a patient, c. moving the cylindrical sleeve distally relative to the tubular body, and d. returning the clear view cannula to the first position. Claim 14 further specifies that the clear view cannula's liquid prevention means has an insertion means (i.e., a slit) that enables an instrument to be inserted through it. (See ¶ 0028)

Neither Bonutti nor Banik disclose a cannula that has liquid prevention means for preventing liquid found within a joint cavity from leaking out of the cannula while, at the same time, allowing an instrument to be inserted through the liquid prevention means.

Examiner admits that Bonutti fails to teach or disclose a liquid prevention means to prevent liquid from leaking out of the cannula.

Banik fails to teach or disclose an insertion means enabling an instrument to be inserted through the liquid prevention means.

Since Bonutti and Banik do not disclose liquid prevention means for preventing liquid found within the joint cavity from leaking out of the cannula, while also enabling an instrument to be inserted through the liquid prevention means, Applicant believes that independent claim 14 is patentable over Bonutti in view of Banik on at least this basis.

Claims 15-20 depend on claim 14. Since claim 14 is believed to be patentable over Bonutti in view of Banik, claims 15-20 are believed to be patentable over Bonutti in view of Banik on the basis of their dependency on claim 14.

CONCLUSION

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

Applicant requests a three-month extension of time. A check in the amount of \$905.00 is enclosed for a three-month extension of time (\$510.00) and a Request for Continued Examination (\$395.00).

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,



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